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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,364	03/18/2004	Jeff Williams	MFPC.122337	7909
45809 7590 09/20/2007 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,364

Applicant(s)

WILLIAMS, JEFF

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 have been examined.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-13 are directed to non-statutory subject matter. Claims 1-13 are directed towards a computer program, which must be embodied on a computer readable media in order to meet patentability requirements.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13-20 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls) in view of IE as illustrated by Microsoft, Schnoll, Acd.Ucar.Edu and Resource Kit.

As per claims 1, 13-14 and 26-27, in the background of invention, applicant discloses that a user's click on a link presented in the user's browser prompts the content server (associated with the link) to an loading attempt of an executable file to be run on the user's computer (see paragraph 3: "Existing systems allow the user to choose, through a prompted graphical interface, whether or not to download the file. Often, one of the choices presented to the user is highlighted, and constitutes a default option. The default option is essentially a recommendation made by the system, which the user is free to avoid by choosing a different option.")

User options allowing to download or prevent a download, as discussed above, are illustrated in detail by applicant submitted Johns, which discusses "signing and Marking ActiveX Controls".

This reads on "A user interface for facilitating recommending to a computer user a decision for downloading content, the user interface comprising: a first trust option for allowing the user to cause the content to be downloaded; a second trust option for allowing the user to prevent the content from being downloaded".

An ordinary artisan in the art of computer science would readily recognize that the user interface disclosed by Johns is implemented in a computer software (e.g. by Microsoft object oriented program) that provides recommendation as illustrated in Fig. 3 (Johns, pg. 2) for example. Thus, the ordinary artisan would readily recognize Johns' teaching as reading on "a recommendation module for providing a recommendation for the user ... wherein the recommendation comprises selecting as a default option the first trust option or the second trust option."

4. Johns, does not disclose using a profile for the user and information about the content for the recommendation.

IE discloses a profile for a user and information about the content (see Zones and Custom Level settings disclosed by Schnoll and in Acd.Ucar.Edu publication).

Both: Johns and IE are directed towards the downloaded content that includes ActiveX and decision making based on the downloaded content. Thus, the advantages of the systems of IE and Johns could have been easily combinable with more than a reasonable expectations of success. Also, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include John's teaching into IE invention given the benefit of usability.

5. As per claims 2, 15 and 28, Johns in view of IE disclose an updating module for updating the user profile based on a trust option chosen by the user ("OK" in Fig. 4, Acd.Ucar.Edu, for example).
6. As per claims 3-7, 16-20 and 29, the examiner considers the "Custom Level" in IE (as disclosed by Schnoll on pg. 1, for example) to read on an expert profile, although the examiner notes that the "ready build" options (e.g. Medium) as disclosed by Schnoll on pg. 1) also meet "expert profiles" recited in claim limitations.
7. Claims 9-10, 11-12, 22-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls) in view of IE as illustrated by Microsoft, Schnoll, Acd.Ucar.Edu and Resource Kit ("Microsoft Internet Explorer Resource Kit", February, 1998) and further in view of Windows OS as illustrated by Microsoft ("Microsoft "Windows 2000 User Profiles",

July 2003), TechNet (Microsoft TechNet, "User Profile Structure" and "Appendix: Group Policy Setting for Roaming User Profiles", March 2002).

As per claims 9, 11, 22 and 24, Johns in view of IE do not disclose that at least one expert profile to be received from a source external to the user's computer.

8. Windows OS (e.g. NT, 2000 professional) allows user profiles (setting used by common applications such as IE, and associated with a particular user, which inherently include at least one expert profile) to be received from a source external to the user's computer (see Microsoft's "Windows 2000 User Profiles" and TechNet's "Roaming Profile- Existing User", pg. 6 for example). Furthermore, Tech Net discloses that Windows Operating System and IE could have been easily combinable with more than a reasonable expectations of success (see Tech Net's Chapter 5 "User's Profiles"). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to configure Johns in view of IE invention in the Operating System such as Windows allowing user profiles to be received from a source external to the user's computer given the benefit of user access to uniform environment on any machine.
9. As per claims 10, 12, 23 and 25, Johns in view of Windows OS do not disclose the transmitted user profile being stored in an XML file. However, storing a user profile in an XML file would have been an obvious variation that is well known in the art (see Walsh, for example). One would have been motivated to store user profiles in XML files especially in light of the benefits of XML as evidenced by its commercial success.

10. Claims 1, 11-15 and 24-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johns (Paul Johns, "Signing and Marking ActiveX Controls) in view of Windows OS as illustrated by Microsoft ("Microsoft "Windows 2000 User Profiles", July 2003), TechNet (Microsoft TechNet, "User Profile Structure" and "Appendix: Group Policy Setting for Roaming User Profiles", March 2002) and Hipson (Peter Hipson, "Windows 2000 Registry", ISBN: 0782126154, 2000).

As per claims 1, 13-15 and 26-27, in the background of invention, applicant disclose that in situation when a user's click on a link presented in a user's browser prompts the content server (associated with the link) attempts to load an executable file to be run on the user's computer. (see paragraph 3: "Existing systems allow the user to choose, through a prompted graphical interface, whether or not to download the file. Often, one of the choices presented to the user is highlighted, and constitutes a default option. The default option is essentially a recommendation made by the system, which the user is free to avoid by choosing a different option.")

An ordinary artisan would readily recognize that the user interface disclosed by Johns is implemented in computer software, and computer software is a set of programs that executes stored instructions and use stored values (such as values represented by Yes/No shown in Fig. 3, display).

The data structure information representing information that are used for trust options to be display to a user (a set of values to be displayed to a user *(representing displayed Yes/No buttons for example)*, a particular information indicating how to display a particular option *(the option "NO" is displayed as default*

in Fig. 3, for example), etc.) reads on a recommendation module. The particular option displayed to a user reads on a first (or second) trust option. It is clear that the first (YES) trust option in Fig. 3, for example, allows the user to cause the content to be downloaded as another option (NO) prevents the download. (Hipson's "Windows 2000 Registry", pg. 395-398, could be referred to as an example illustrating the intuitive representation of the above-discussed concepts.)

Thus, John's disclosure reads on "A user interface for facilitating recommending to a computer user a decision for downloading content, the user interface comprising: a first trust option for allowing the user to cause the content to be downloaded; a second trust option for allowing the user to prevent the content from being downloaded; and a recommendation module for providing a recommendation for the user ... wherein the recommendation comprises selecting as a default option the first trust option or the second trust option."

11. Although it is clear that the recommendation module disclosed by Johns takes as input for the recommendation information about the content (e.g. Active X in Fig. 6), Johns does not disclose that a profile for a user being is an input for the recommendation and updating module for updating the user profile based on an option chosen by the user.

Microsoft discloses taking as an input for the recommendation a profile for a user and updating module for updating the user profile based on an option chosen by the user, and provides motivation to combine (Microsoft, "User Profiles Overview in User Data and Settings Management"). An ordinary artisan would readily recognize that

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user profiles representing particular configuration is stored in a set of data structures (see Hipson, pg. 4-5 and 62-67, for example.)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use a user profile as an input for the recommendation and updating module for updating the user profile based on an option chosen by the user. One of ordinary skill in the art would have been motivated to perform such a modification in order to allow the user system customization.

12. As per claim 14, it is clear that in upon a user login to a system, the profile of the user is read and system environment is configured accordingly.

13. As per claims 11 and 24, Johns in view of Microsoft disclose transmitting the user profile to a remote computer (Microsoft, "Roaming User Profile" in User Profiles Overview in User Data and Setting Management" section).

14. As per claims 12 and 25, Johns in view of Microsoft do not disclose the transmitted user profile being stored in an XML file. However, storing a user profile in an XML file would have been an obvious variation that is well known in the art (see Walsh, for example). One would have been motivated to store user profiles in XML files especially in light of the benefits of XML as evidenced by its commercial success.

Conclusion

Claim 21 is objected to as being dependent on the rejected claims but would have overcome the art of record if rewritten in the independent form.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/13/07


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER